

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DANNY LEE WARNER,

Plaintiff,

vs.

JILL BUCK, et al.,

Defendants.

Cause No. CV 19-103-M-DLC-KLD

ORDER

Plaintiff Danny Lee Warner filed this action on June 17, 2019, alleging violations of his civil rights under 42 U.S.C. § 1983. On February 9, 2021, the three remaining defendants moved for summary judgment. On March 1, 2021, Warner moved the Court to impose sanctions.

Warner's motion for sanctions is frivolous. Contrary to his claim, *see* Mot. for Sanctions (Doc. 79) at 1, Defendants' counsel did not represent that she had discussed discovery issues with Warner. In fact, she said, "Defendants' counsel has not had an opportunity to discuss with Plaintiff whether he opposes this motion or to discuss his discovery responses." Def. Mot. to Modify Scheduling Order (Doc. 67) at 2. That is what the Court understood when it reviewed the motion and granted it.

Warner continues to assert that he has not received the Defendants' summary judgment materials. *See* Second Mot. for Extension (Doc. 83). Mr. Schalburg's assurance that he will arrange for Warner to view the DVD is acceptable. *See* Supp. Cert. of Service (Doc. 78) at 2. Defendants have also remailed their documents to Warner by certified mail. See Notice (Doc. 84).

Based on the foregoing, IT IS ORDERED:

1. Warner's motion for sanctions (Doc. 79) is DENIED.
2. Warner's motions for extension of time (Docs. 80, 83) are GRANTED.

Warner must respond to Defendants' motion for summary judgment on or before

June 11, 2021.

3. Defendants may reply in support of their motion for summary judgment within 14 days of the filing of Warner's response.

DATED this 7th day of April, 2021.



Kathleen L. DeSoto
United States Magistrate Judge